



GAINESVILLE POLICE DEPARTMENT

INTERNAL AFFAIRS INVESTIGATIVE REPORT

FILE CLASS:	IA Investigation	DATE OCCURRED:	October 14, 2021
TYPE OF COMPLAINT:	Internal	INTERNAL AFFAIRS #:	22-008
DATE RECEIVED:	February 28, 2022	DATE CLOSED:	March 28, 2022
RELATED CASES:	21-14705	ASSIGNED TO:	Sgt. Leah Hayes

LOCATION OF COMPLAINANT

ADDRESS:	1030 E. University Ave	CITY:	Gainesville	ADDITIONAL INFO:	
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ASSOCIATED NAMES

CO:	Marquitta Brown	RACE:	Black	SEX:	Female	DOB:	
SO:	John Haven	FINDINGS:	Sustained	ACTIONS:	Employee Notice		

APPLICIBLE RULE OF CONDUCT

Gainesville Police Department General Order 41.4, Vehicle Pursuits

City of Gainesville E3 Rule 13, Productivity or workmanship not up to required standard of performance

COMPLAINT / NOTES / SUMMARY

COMPLAINT SUMMARY

On March 1, 2022, I was assigned to investigate an Administrative Investigative Referral (AIR) submitted by Lt. Marquitta Brown. The incident occurred Thursday, October 14, 2021. The AIR is for a violation of Gainesville Police Department General Order 41.4, Vehicle Pursuits by Officer John Haven #1150. Officer Haven observed a vehicle travelling west on East University Avenue at Waldo Rd. The driver, later identified as Ronald C. Clark, failed to stop for a red light for westbound traffic at that intersection. Officer Haven activated his emergency lights and siren and followed the vehicle through the intersection. Clark turned into the McDonald's parking lot at 1030 East University Avenue. Clark did not stop, proceeded around the building, and through the McDonald's parking lot. Clark continued onto NE 10th Street and fled from Officer Haven. The pursuit ended after Clark ran off the road and struck a fence. Clark ran from the vehicle but was later located and arrested.

Clark was charged with Flee/Attempt to elude a police officer, Driving while license suspended with knowledge, Leaving the scene of an accident involving property damage, and Possession of less than 20g of cannabis. Clark was also issued the following traffic citations: Violation of a traffic control signal (ran red light) and Aggressive careless driving. He was transported to the Alachua County Sheriff's Office Department of the Jail (ASODOJ). In her AIR, Lieutenant M. Brown cited several concerns with Officer Haven's pursuit. She noted that it was immediately clear that the vehicle was attempting to evade Officer Haven. Lieutenant Brown also documented that the pursuit was never authorized by a supervisor, Officer Haven failed to provide updates on the speed and conditions of the pursuit, and that Officer Haven disregarded numerous traffic controls in his effort to pursue the suspect vehicle.

INVESTIGATION OF COMPLAINT:

I reviewed the following documents related to this investigation:

- Administration Referral Form (completed by Lieutenant M. Brown)
- Blue Team entry (completed by Sergeant T. Fundenburg)
- Officer Haven's report
- In-Car Camera video
- Body Worn Camera video
- Combined Communications Center (CCC) radio traffic
- Computer Aided Dispatch notes (CAD)
- Eighth Judicial Circuit case docket

On October 14, 2021 at approximately 1550 hours, Officer Haven was stopped on East University Avenue at the intersection of Waldo Road. He was the first vehicle at the stop bar, in the southbound (left) turn lane. After the light for westbound traffic turned red, Officer Haven observed a brown Hyundai Elantra (Florida tag NLTN52) continue west on East University Avenue through the intersection, failing to stop for the red traffic signal.

Officer Haven activated his overhead lights and siren as he proceeded through the intersection after the suspect vehicle. The suspect vehicle turned into the McDonald's parking lot at 1030 East University Avenue, but continued driving around the building and out of the other entrance/exit on NE 10th Street. There were numerous vacant parking spaces in the McDonald's parking lot for the suspect vehicle to stop. As the vehicle turns out of the McDonald's parking lot and onto NE 10th Street, it accelerates. The vehicle immediately turns east onto NE 1st Avenue, the opposite direction the vehicle was initially traveling. The vehicle travels east on NE 1st Avenue both on the left side of the road and somewhat in the middle of the road at a high rate of speed. Officer Haven accelerates up to 41 miles per hour on this residential street in a mere two blocks. Both the suspect vehicle and Officer Haven fail to stop at the stop sign at the intersection of NE 1st Avenue and NE 11th Street.

The suspect vehicle turns south onto Waldo Road briefly, only to immediately turn into the parking lot of the Circle K gas station at 20 NE Waldo Road. The suspect vehicle drives in between the gas pumps and out of the parking lot via the entrance/exit on NE 11th Street and turns north. Officer Haven

follows the suspect vehicle from another entrance into the gas station parking lot and back out onto NE 11th Street. The suspect vehicle again accelerates to an extremely high rate of speed in a residential area. Officer Haven reaches speeds of 66 miles per hour in this residential area in his efforts to pursue the suspect vehicle. The suspect vehicle runs two stop signs and is driving on the wrong side of the road. After running the stop sign at NE 8th Avenue, the suspect narrowly missed striking a pedestrian in the crosswalk and an oncoming vehicle in the westbound lane of 8th Avenue driving in between the two. Officer Haven also runs the stop sign, but cautiously drives around the rear of the westbound vehicle, avoiding the pedestrian. The suspect vehicle then crashed into a residential fence, the suspect fled on foot and was later apprehended by another officer.

CONCLUSION

Officer Haven is a relatively new officer who attained solo status in June of 2021. This incident occurred on October 14, 2021. It was determined that Officer Haven acknowledged the updated Vehicle Pursuits policy issued the day prior to this incident on October 13, 2021. General Order 41.4, Vehicle Pursuits clearly prohibits high-risk vehicle pursuits for traffic violations. The policy states that only low-risk pursuits are allowable for traffic violations. Low-risk pursuits are defined in policy as pursuits in which the violator does not accelerate or take evasive actions in effort to avoid being stopped and the violator does not place the public in any undue danger.

Officer Haven's pursuit of this vehicle did not meet the criteria of a low-risk pursuit. The violator clearly took evasive actions when he drove through parking lots, made several quick turns, and accelerated to extremely high speeds in residential neighborhoods where the speed limit was 25 miles per hour. The violator also clearly placed the public in danger when he cut through the gas station parking lot, ran several stop signs, sped through a neighborhood, and almost struck other vehicles and pedestrians. Officer Haven should have recognized that the violator was attempting to evade being stopped when he accelerated onto NE 10th Street from the McDonald's parking lot. Instead, Officer Haven continued the pursuit for almost ¾ mile and for over a minute until the suspect vehicle crashed.

The aggravating circumstance surrounding this pursuit is that Officer Haven acknowledged the revised policy, General Order 41.4, Vehicle Pursuits the day prior to this incident. Additionally, the language of the policy that Officer Haven violated was not updated or changed since the last revision.

The mitigating circumstances surrounding this pursuit are that Officer Haven is a new officer and he willingly participated in the REDII process acknowledging that he was in violation of Gainesville Police Department General Order 41.4, Vehicle Pursuits during this pursuit. The allegation that Officer Haven violated Gainesville Police Department General Order 41.4, Vehicle Pursuits and therefore City of Gainesville E3 Rule 13, Productivity or workmanship not up to required standard of performance is **SUSTAINED**. As per the REDII agreement, Officer Haven will receive written instruction and cautioning in the form of an employee notice.

Under penalties of perjury, I declare that I have read the foregoing document and that to the best of my knowledge and belief the facts stated in it are true. Furthermore, I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss. [112.532](#) and [112.533](#), Florida Statutes.

IA#: 22-008

Investigator:

Sgt. Leath Hayes

Date:

4/6/22

IA Commander:

T. Duest

Date:

4-6-2022

Bureau Commander:

Byung

Date:

4/8/22

Chief Inspector:

Jane Mink

Date:

4-8-22

Assistant Chief:

John Pan

Date:

4.8.22

Chief:

Jonnie Davis

Date:

4/8/22



GAINESVILLE POLICE DEPARTMENT

INTERNAL AFFAIRS SUPPLEMENTAL REPORT

COMPLAINT / NOTES / SUMMARY

In an effort to remain consistent with recent dispositions of first offense pursuit violations, Officer Haven's prior employee notice in this case is being voided and the attached written warning is being issued in lieu of the employee notice. The original copy of the written warning is included in the Internal Affairs file for this case as well as the voided copy of the prior employee notice.

Under penalties of perjury, I declare that I have read the foregoing document and that to the best of my knowledge and belief the facts stated in it are true. Furthermore, I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss. [112.532](#) and [112.533](#), Florida Statutes.

IA#: 22-008

Investigator: Sgt. Leah Taylor

Date: 6/6/22